

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE  
ON DISARMAMENT

ENDC/PV.333  
26 September 1967  
ENGLISH

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THE UNIVERSITY  
OF MICHIGAN

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DOCUMENT  
COLLECTION

FINAL VERBATIM RECORD OF THE THREE HUNDRED AND THIRTY-THIRD MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 26 September 1967, at 10.30 a.m.

Chairman:

Alhaji SULE KOLO

(Nigeria)

GE.67-19463  
67-24761

PRESENT AT THE TABLE

Brazil:

Mr. A.F. AZEREDO da SILVEIRA  
Mr. A. da COSTA GUIMARAES  
Mr. S. de QUEIROZ DUARTE  
Mr. J. NOGUEIRA-FILHO

Bulgaria:

Mr. K. CHRISTOV  
Mr. B. KONSTANTINOV  
Mr. T. DAMIANOV

Burma:

U KYAW MIN  
U PE MYINT AUNG

Canada:

Mr. E.L.M. BURNS  
Mr. J.R. MORDEN  
Mr. A. BERNIER

Czechoslovakia:

Mr. V. VAJNAR  
Mr. J. STRUCKA

Ethiopia:

Mr. A. ZELLEKE

India:

Mr. V.C. TRIVEDI  
Mr. N. KRISHNAN  
Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO  
Mr. G.P. TOZZOLI  
Mr. E. FRANCO  
Mr. F. SORO

Mexico:

Miss E. AGUIRRE

Nigeria:

Alhaji SULE KOLO  
Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN  
Mr. E. STANIEWSKI

Romania:

Mr. N. ECOBESCO  
Mr. O. IONESCO  
Mr. C. GEORGESCO  
Mr. A. COROIANU

Sweden:

Mrs. A. MYRDAL  
Mr. A. EDELSTAM  
Mr. R. BOMAN

Union of Soviet Socialist  
Republics:

Mr. A.A. ROSHCHIN  
Mr. M.V. ANTYASOV  
Mr. V.V. SHUSTOV

United Arab Republic:

Mr. H. KHALLAF  
Mr. A. OSMAN  
Mr. O. SIRRY  
Mr. M. SHAKER

United Kingdom:

Mr. I.F. PORTER  
Mr. M.E. HOWELL

United States of America:

Mr. A.S. FISHER  
Mr. S. DePALMA  
Mr. G. BREAM  
Mr. A.F. NEIDLE

Special Representative of the  
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative  
of the Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Nigeria): I declare open the 333rd plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Mr. KHALLAF (United Arab Republic) (translation from French): At the outset of my intervention today I should like to state that the attitude of my country in favour of the principle of the non-proliferation of nuclear weapons is too well known to require reiteration here. That attitude is dictated not only by considerations of national interest but also by other considerations concerning the general interest of mankind. That is why we welcome the identical draft treaties presented by the Soviet Union and the United States of America (ENDC/193, 192), which we regard as an important step in that direction and on which we warmly congratulate the co-Chairmen.
3. The two draft treaties contain several important points to their credit. It is to be noted that the mere fact of the presentation of an identical text by the two great nuclear Powers will greatly facilitate our task and save us the trouble of having to reconcile points of view which are not always identical or similar. Moreover, the two great nuclear Powers have given the new text greater clarity and precision and have eliminated some of the objections that have been made to their earlier draft treaties.
4. Furthermore, it is to be noted that this change in the attitude of the nuclear Powers is to a large extent the result of the observations put forward by a number of States, in particular by non-nuclear-weapon States, both at this Conference and outside it. That shows the important role of the non-aligned countries, which have insisted on assuming their responsibility in that regard with faith, sincerity and perseverance.
5. While my delegation thus reiterates its support for the principle of non-proliferation and the conclusion of a treaty on the subject, and while we are pleased to state that we consider -- in principle -- the draft presented to be a valid basis for negotiation, that will not prevent us, of course, from putting forward certain rather general comments on the draft and also on certain aspects of the treaty for which no solution has yet been found. We hope that these comments will be taken into consideration, so that the treaty may be made more acceptable and effective.

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6. In submitting these comments the delegation of the United Arab Republic is motivated, as are all the members of this Committee, by an earnest desire to adopt in this regard a positive and constructive attitude. Moreover, my delegation feels that it would perhaps be appropriate for a drafting committee to meet -- while the Conference continues its present general debate -- in order to examine the suggestions and proposals submitted to it.

7. I now come to articles I and II of the treaty. The principle which governs these articles is that they must not contain any loop-holes. My delegation notes with satisfaction that certain loop-holes which constituted a major obstacle to our negotiations have been eliminated from the new text. Unfortunately the new wording, in spite of this improvement, calls for some comments to which we should like to draw the attention of the Committee in order that it may put the matter right, because the wording may open certain loop-holes.

8. The first loop-hole is to be found in article II, which speaks of the obligations of the non-nuclear-weapon States and mentions the obligation they assume not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. My delegation notes that this text contains a gap. Indeed, it makes no mention of the obligation of the non-nuclear-weapon States parties to the treaty to refrain in their turn from assisting, encouraging or inducing in any way another non-nuclear-weapon State, whether a party to the treaty, or not, to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. It is quite obvious that therein lies a possibility of the proliferation of nuclear weapons which must and can easily be eliminated by including this prohibition in the text of article II of the draft before us.

9. The second loop-hole is to be found in article I, the object of which is to prohibit the proliferation of nuclear weapons by governments of nuclear-weapon States parties to the treaty. That is perfectly natural. But it is not enough, in the question with which we are concerned, for the governments and official organs engaged in nuclear activities to respect the provisions of the treaty in all good faith. It is also necessary that each nuclear-weapon State should take appropriate measures to ensure that no private, public or semi-public person,

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company, enterprise or body subject to its jurisdiction and engaged in nuclear activities participates in any act prohibited by this article.

10. A third comment on a provision which might open a loop-hole likewise applies to article I. Indeed, that article imposes on the nuclear Powers two principal obligations. One of them which is of interest to us here is the obligation not to transfer nuclear weapons or other explosive devices or control over these to any recipient whatsoever. The text has expressly prohibited such transfer, whether directly or indirectly, but has not made clear that all forms of transfer would be prohibited. Indeed, transfer may take a great variety of forms. It may be gratuitous, in the form of a gift, or may be made against payment. It may result in full ownership or perhaps in only certain attributes of ownership; it may be definitive or temporary, and so on. We consider that the text must make clear that all forms of transfer are prohibited.

11. Before concluding my remarks on articles I and II I should like to refer to a comment on these two articles made by Mr. Burns at our meeting of 12 September, when he said:

"At the same time, we find nothing in these articles which would inhibit the right of parties to participate in collective defence arrangements; nor would they impede movement towards regional arrangements for political union." (ENDC/PV.329, para.5)

It is indeed true that these two articles do not affect collective defence arrangements, or movements aimed at achieving certain political unions. But my delegation would like to stress here that it is clearly understood that these arrangements for collective defence or possible political union must in no way give rise to proliferation of nuclear weapons. Otherwise the problem of access of different types of political unions or military alliances to nuclear weapons would again arise. Indeed, the texts have been specifically amended in order to eliminate that possibility altogether.

12. I should now like to speak of the provision on international control to be inserted in article III in the new draft treaty. Whereas the preamble to the treaty has devoted two paragraphs to this subject providing for the application

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of International Atomic Energy Agency (IAEA) safeguards to peaceful nuclear activities, ~~the~~ two drafts have left article III blank. The two co-Chairmen have promised to go on working in order to reach agreement on the contents of that article. We await with great interest the result of their efforts.

13. Pending the presentation of that text, the delegation of the United Arab Republic would like to take this opportunity to reiterate its fundamental position in that connexion. Without an appropriate article on control, the treaty would not make any great change in the existing state of affairs. In my intervention on 16 March I stated:

"(b) The treaty must contain provisions clearly stipulating compulsory and uniform application of the single system of safeguards of the International Atomic Energy Agency to all non-nuclear-States parties to the treaty. Moreover, the control system must be extended to the transfer of nuclear material and to all nuclear activities, past and present." (ENDC/PV.294, para.14)

I added:

"In such a treaty the only inspection system acceptable in this respect is compulsory and not voluntary, international and not regional, effective and not fictitious." (ibid., para.15)

14. That principle must be expressly stipulated in the treaty right from the start. However, if in certain cases the total application of the Vienna safeguards would require some time in order completely to replace certain bilateral or multilateral control arrangements which are in force, it would perhaps be possible to lay down the time which is strictly necessary to permit the total application of the Vienna control system to all the parties to the treaty.

15. I now come to the draft article III submitted by the Swedish delegation (ENDC/195). Here I should like to congratulate the Swedish delegation most warmly on the contribution it has made in submitting a draft of this article with the object of bringing about an exchange of views which might lead us to an acceptable text. Indeed, several aspects of the draft of article III as formulated by Sweden reflect the wishes and the points of view expressed by my delegation.

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16. One of the most interesting aspects of the Swedish draft is the way in which it has attempted in its paragraphs 1 and 3 to extend the Vienna safeguards to nuclear-weapon States. My delegation would like to hear the views of the nuclear Powers on this point. Though we regard the Swedish draft as a useful starting-point for a formulation of article III, we consider a transitional period of three years too long. In any case my delegation wishes to reserve its right to speak on this subject when the two co-Chairmen present their text of article III.

17. In vigorously stressing the principle of a general application of the Vienna control system, we do not mean to oppose any particular system of regional co-operation in the use of atomic energy; we merely wish to set up a control system capable of protecting the international community against any diversion of fissile material for military purposes. In our view the very nature of nuclear weapons, not subjective considerations or political or commercial expediency, call for this measure.

18. Before leaving the question of control, we deem it appropriate to mention that the fifth paragraph of the preamble to the new draft treaty reads:

"Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points"

(ENDC/192, 193, p.1)

My delegation would be grateful to the two sponsors of the draft if they would give us some explanations and clarifications of this text, so as to enlighten us about its true meaning, its reasons and its implications.

19. The United Arab Republic, together with the other non-nuclear-weapon countries, attaches paramount importance to the free, untrammelled and non-discriminatory development of atomic energy for peaceful purposes. Thus the United Arab Republic considers that the insertion of article IV in the treaty makes considerable progress towards the establishment of a solid basis of confidence and mutual co-operation between the non-nuclear-weapon countries and the nuclear-weapon countries.



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20. However, I must say quite frankly that this positive step must be supplemented by two others, the purport of which I am glad to observe is already reflected in the preamble to the draft treaty. The first relates to the desire to have article IV strengthened so as to establish in a more positive manner the obligations of the nuclear-weapon States towards the non-nuclear-weapon States in respect of their scientific and technical contributions to the peaceful utilization of nuclear energy. On this point my delegation appreciates the initiative and arguments of the representative of Mexico in his recent statement made on 19 September (ENDC/PV.331, paras. 6 et seq.), with which my delegation is in full agreement. We consider that the ideas contained in article IV of the Mexican working paper (ENDC/196) form a solid basis for the achievement of this aim.

21. The second step which my delegation would like the Conference to take for this purpose relates to the peaceful uses of nuclear explosions. We have noted with satisfaction that the actual principle of such uses is now laid down in the preamble to the draft treaty. However, in common with other delegations we do not quite see the reasons which led the two sponsors of the draft treaty to present this principle in the form of a declaration of intention instead of including it as a formal obligation in the actual provisions of the treaty.

22. In fact, my delegation considers that the obligation of the non-nuclear-weapon States unequivocally to renounce the production of nuclear explosives for peaceful purposes should be counterbalanced by another obligation, equally legal and categorical, requiring the nuclear-weapon States to make available to the non-nuclear-weapon countries on a non-discriminatory and objective basis, and without any political or other conditions, all the advantages of such explosives.

23. My delegation has therefore studied with very special attention the remarks made in this Conference by the delegation of Canada at our 329th meeting concerning the conclusion outside the treaty of a convention or agreement regulating peaceful nuclear explosions, and the various provisions which it should contain. The delegation of the United Arab Republic realizes the convenience of dealing with this question in detail in an independent international instrument. At the same time, however, it considers that the treaty should also spell out the actual principle of the obligation of the nuclear-weapon States to enable the non-nuclear-weapon States to enjoy the benefits of such explosions. I suggest that that could be done on the lines of the Mexican proposal contained in article IV-A of document ENDC/196. The United Arab Republic would then be glad to see the International Atomic Energy Agency in Vienna placed in control of this activity.

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24. Throughout our negotiations the link between a non-proliferation treaty and nuclear disarmament has been referred to and discussed and its importance recognized by us all. But when it comes to giving the nature, scope and form of this link a precise and acceptable definition, differences of opinion begin to appear and suggested formulas multiply.

25. The most radical formula would include in the non-proliferation treaty certain substantial and specific measures of nuclear disarmament. In contrast to this formula the nuclear-weapon Powers were content, in regard to their original drafts, to express the hope that the conclusion of the treaty would facilitate a start of the process of nuclear disarmament and thus excuse us from making any mention of such a link in the treaty.

26. However, the non-nuclear-weapon Powers asked for something more solid, more specific than this act of faith pure and simple, so the nuclear-weapon Powers are endeavouring in their new text to meet the preoccupations of the non-nuclear-weapon States and proposing a declaration of intention on nuclear disarmament. To strengthen this declaration of intention they advocate the convening of a conference of the parties to the treaty five years after its entry into force. This new formula rests therefore on a threefold basis:

- (1) A mention of nuclear disarmament in the preamble to the treaty;
- (2) An offer of hope that certain measures of disarmament will be taken during the next five years;
- (3) Inclusion of nuclear disarmament among the points to be discussed by the treaty review conference.

27. It is true that in this formulation the hope has a time limit. That already is an advance on the original drafts, which did not contemplate any link between nuclear disarmament and the treaty except a psychological link based on a mental assumption that things would move in the desired direction. In other words, in the new text we have a certain organic link between nuclear disarmament and the treaty. But is that sufficient? Ought not the declaration of intention to be made firmer becoming a distinct provision in the body of the treaty?

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28. That was the line which the delegation of the United Arab Republic took in its statement of 3 March 1966 (ENDC/PV.245), and which the delegation of Mexico has taken in the wording which it suggests for such an article in document ENDC/196. The merit of that formula is that it gives nuclear disarmament from the outset a more solid and more specific base: the process will thus rest on a legal base which has the merit of reflecting the general feeling of the international community.

29. The treaty on non-proliferation of nuclear weapons also raises the important question of the assurance to be given to non-nuclear-weapon States against any use or any threat of the use of nuclear weapons against them.

30. This problem has already been commented upon both here and in New York and has been the subject of deep concern, especially on the part of non-nuclear-weapon States which are not allied to any nuclear-weapon Power. The General Assembly, in its resolution 2153A (XXI), paragraph 4, requested this Conference -

"... to consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been or may be made for the solution of this problem" (ENDC/185)

We welcome the latest statements made by each of the two co-Chairmen according to which they will continue their exchanges of views with the object of finding a positive solution to this problem.

31. If I confine myself for the time being to the negative aspect of those assurances which is reflected in paragraph 4 of the resolution of the General Assembly I have just mentioned, I would point out that my delegation amply explained in its intervention at our 294th meeting the legal, political and moral considerations in favour of the insertion in the text of the treaty of an article concerning this aspect of the assurances. We continue to believe that such a text would undoubtedly be useful and important and would allay the apprehensions of a very large number of non-nuclear-weapon countries. That is why we submit to the Committee a wording<sup>1/</sup> which might help us in that regard. It will be noted that this wording is mainly based upon the text of General Assembly resolution 2153 (XXI).

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<sup>1/</sup> ENDC/197

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32. On articles V to VIII of the draft treaty, my delegation will confine itself at this stage to saying that we are very glad that the question of amendments to the treaty and that of the review of its clauses have been successfully combined in the provisions of article V of the draft before us. The Conference will doubtless recall that on 3 March 1966 my delegation proposed the adoption of such a solution (ENDC/PV.245, p.11).

33. With respect to paragraph 3 of article VI of the draft treaty, I should like to make it clear that, in our opinion, the definition of a nuclear-weapon State mentioned at the end of that paragraph applies to the five existing nuclear-weapon Powers.

34. In their recent statements to our Committee the delegations of the Soviet Union, Poland, Czechoslovakia and Bulgaria were kind enough to express a point of view that was both just and in conformity with the Charter of the United Nations when they referred to the recent events in the Middle East. They concluded that the immediate withdrawal of Israeli troops from occupied Arab territories was essential, I should like to express to them here our sincere thanks for their noble and equitable attitude. I have no intention of taking up or commenting upon the recent Israeli aggression against the Arab countries. The competent organs of the United Nations in New York have the matter before them at present. Nevertheless, we cannot overlook here the significance for our negotiations on a non-proliferation treaty of the constructive attitude adopted by one nuclear super-Power - the Soviet Union - in regard to this flagrant aggression against three countries Members of the United Nations. Indeed, the Soviet Union has insisted, in regard to that aggression, on the strict application of the collective security system laid down in the Charter of the United Nations, which implies the immediate withdrawal of the aggressor.

35. Unfortunately, other Powers have endeavoured to weaken the collective security system of the Charter by linking the withdrawal of the aggressor with considerations alien to that system. Such an attitude, if maintained, will certainly weaken the confidence of the small and medium-sized countries in the system laid down in the Charter. We all agree that such confidence is essential to the success of the treaty

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which we are now considering. In this connexion I feel bound to quote some words used by the Secretary-General of the United Nations in the introduction to his annual report to the twenty-second session of the General Assembly of the United Nations:

"When unbridled use of force is accepted and intimidation and threats go unchallenged, the hopes of a world order such as the one outlined in the Charter become dim and hollow." (A/6701/Add.1, para. 151)

36. A non-proliferation treaty is envisaged as, among other things, a means of reducing international tension. That in itself is highly desirable in a world tormented by a series of aggressions the chosen field of which is at present, unfortunately, Africa and Asia. However, the reign of force and violence must cease, aggression must be condemned and opposed and its aftermath eliminated. In a world where expansionist and imperialist conquest is again honoured and the obsolete principle of annexation is resuscitated, a world where might is right, agreements on disarmament would not only soon become ineffective but would also very quickly lose all real sense.

37. To facilitate the task of the Conference my delegation has considered it appropriate to set down certain suggestions that I have made today in a working paper which I shall submit to the Secretariat for circulation, with the permission of the Committee, as a Conference document.

38. In conclusion, I should like to reserve the right of my delegation to speak again if necessary.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 333rd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Alhaji Sule Kolo, representative of Nigeria.

"A statement was made by the representative of the United Arab Republic.

"The delegation of the United Arab Republic tabled a working paper containing the formulation of certain suggestions to incorporate in the draft treaty on the non-proliferation of nuclear weapons (ENDC/197).

"The next meeting of the Conference will be held on Thursday, 28 September 1967, at 10.30 a.m."

The meeting rose at 11.20 a.m.

